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APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/876,369	06/07/2001	•	Antoun Alexander Nabhan	9223-3	9156
	590 01/07/2004			EXAMINER	
MYERS BIG PO BOX 37428	EL SIBLEY & SAJO	OVEC		MARSCHEL	, ARDIN H
RALEIGH, NO	27627			ART UNIT	PAPER NUMBER
				1631	

DATE MAILED: 01/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

4) ☐ Claim(s) <u>1-66</u> is/are pending in the application. 4a) Of the above claim(s) <u>16-52</u> is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) <u>1-15 and 53-66</u> is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) <u>1-66</u> are subject to restriction and/or election requirement.			<u>.</u>
Examiner Artin Marschel 1531 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ## MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be evaluable under the provisions of 37 CFR 1.13(g). In no event, however, may a reply be timely filled after \$3.(c) (MONTHS from the making date of this communication. Extensions of time may be evaluable under the provisions of 37 CFR 1.13(g). In no event, however, may a reply be timely filled after \$3.(c) (MONTHS from the making date of this communication. Extensions of time may be evaluable under the provisions of 37 CFR 1.13(g). In no event, however, may a reply be timely filled after \$3.(c) (MONTHS from the making date of this communication. Failure to reply within the set or extended period for reply with 10 statute. The making date of this communication. Failure to reply within the set or extended period for reply with 10 statute. The making date of this communication. Failure to reply within the set or extended period for reply with 10 statute. The making date of this communication. Failure to reply within the set or extended period for reply with 10 statute. The making date of this communication. Failure to reply within the set or extended period for reply with 10 statute. The making date of this communication. Failure to reply within the set of the set of the communication. The set of the action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex part Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)		Application No.	Applicant(s)
Ardin Marschel - The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - If the parked for reply seporities above is least han thirty (30) days, a reply within the statutory infinitume of thirty (30) days will be considered timely. - If the parked for reply the profiled above is least han thirty (30) days, a reply within the statutory infinitume of thirty (30) days will be considered timely. - If the parked for reply the profiled above is least han thirty (30) days, a reply within the statutory infinitume of thirty (30) days will be considered timely. - If the parked for reply the profiled above, the nearmous taketory profive and supply valved vileoges X(8) MONTHS from the melting date of this communication. - If the parked for reply the profiled above, the nearmous taketory profive and supply valved vileoges X(8) MONTHS from the melting date of this communication. - Any reply received by the Office later than three mortes after the melting date of this communication, even if timely filled, may reduce any search gate the melting date of this communication. - Application is FINAL. - 2b) This action is non-final. - 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims - 4) Claim(s) 1-66 is/are pending in the application. - 4a) Of the above claim(s) 16-52 is/are withdrawn from consideration. - Claim(s) 1-66 is/are allowed. - Claim(s) 1-66 is/are allowed. - (Claim(s) 1-66 are subjected to by the Examiner. - (Claim(s) 1-66 are subjected to restriction and/or election requirement. - Application Papers - 9) The specification is objected to by	05 4-6 0	09/876,369	NABHAN, ANTOUN ALEXANDER
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	14) Acknowledgment is made of a claim for domest	ic priority under 35 U.S.C. §§ 120	and/or 121 since a specific

Attachment(s)

 Notice of References 	Cited ((PTO-892)
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449)

6) Other:

U.S. Patent and Trademark Office PTOL-326 (Rev. 11-03)

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DETAILED ACTION

Applicant's election with traverse of Group I (claims 1-15 and 53-66) in the Paper, filed 9/29/03, is acknowledged. The traversal is on the ground(s) that the supplied distinctness between Groups I and II does not appear to relate to the claimed invention as claims 16 and 24 do not require some type of data storage for clearhouse practice. This is not found persuasive because consideration of both of claims 16 and 24 reveals that data is supplied to a data clearinghouse which is exactly contrary to the traversal argument of applicants. Thus, the argument is an allegation which lacks any correspondence with the facts of the Group II claim requirements and therefore non-persuasive.

The requirement is still deemed proper and is therefore made FINAL.

PRIOR ART

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-15 and 53-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman, Jr., et al. (P/N 6,012,035).

The reference summarizes the invention in the title and abstract as being directed to a system and method for health care delivery management. In the SUMMARY OF THE INVENTION section in columns 2-3, the invention is summarized further as being directed to centralizing and automating by computer the health case

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delivery process amongst numerous entities that are involved. In columns 4-10, the coordination of payor payments to cover the expenses of physician's, hospitals, laboratories, etc. is described. The payor may be either the patient or insurance companies that are involved. The laboratories which are part of this system are well known to be suppliers of bioinformatics data on the patient's health which is analyzed by a doctor. The compensation or payment of the laboratory data supplying function is included in the payment system which is coordinated as described by the invention.

Thus, it would have been obvious to someone of ordinary skill in the art at the time of the instant invention that the system methodology of Freeman, Jr., et al. coordinates the bioinformatics patient data supplying and payment therefore with physician analysis of the data as commonly is performed in such healthcare systems to result in the practice of the instantly claimed invention.

REFERENCE OF INTEREST

Tarter et al. (P/N 5,550,734) is cited on the enclosed PTO Form 892 as being of interest to the instant invention but is deemed cumulative to the above rejection based on Freeman, Jr., et al.

No claim is allowed.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the Central PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CFR § 1.6(d)). The Central PTO Fax Center number is (703) 872-9306.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ardin Marschel, Ph.D., whose telephone number is

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(703)308-3894. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, Ph.D., can be reached on (703)308-4028.

Any inquiry of a general nature or relating to the status of this application should be directed to Legal Instrument Examiner, Tina Plunkett, whose telephone number is (703)305-3524 or to the Technical Center receptionist whose telephone number is (703) 308-0196.

December 27, 2003

ARDIN H. MARSCHEL/ PRIMARY EXAMINER